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1651\$



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

09/529,369

Filing Date

April 8, 1998

First Named Inventor

Ilse Bartke

Group Art Unit

1651

Examiner Name

Jon P. Weber

Total Number of Pages in This Submission

Attorney Docket Number

305J-900310US

## ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form  
☐ Fee Attached  
☒ Amendment / Response  
☐ After Final  
☐ Affidavits/declaration(s)  
☒ Extension of Time Request  
☐ Express Abandonment Request  
☐ Information Disclosure Statement  
☐ Certified Copy of Priority Document(s)  
☐ Response to Missing Parts/ Incomplete Application  
☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)  
☐ Drawing(s)  
☐ Licensing-related Papers  
☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition  
☐ Petition to Convert to a Provisional Application  
☐ Power of Attorney, Revocation Change of Correspondence Address  
☐ Terminal Disclaimer  
☐ Small Entity Statement  
☐ Request for Refund

- ☐ After Allowance Communication to Group  
☐ Appeal Communication to Board of Appeals and Interferences  
☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  
☐ Proprietary Information  
☐ Status Letter

- ☒ Additional Enclosure(s) (please identify below):

receipt acknowledgment postcard

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### Authorization to Charge Deposit Account

Please charge Deposit Account No. 50-0893 for any additional fees associated with this paper or during the pendency of this application, including any extensions of time for consideration of the documents enclosed.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Jonathan Alan Quine, Reg. No. 41,261, Quine Intellectual Property Law Group, P.C.

Signature

*Jonathan Alan Quine*

Date

January 10, 2003

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: January 10, 2003

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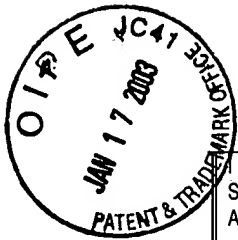
Juliana Hermes

Signature

*Juliana Hermes*

Date

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Assistant Commissioner for Patents, Washington, D.C. 20231, on  
January 10, 2003

QUINE INTELLECTUAL PROPERTY LAW GROUP

By:

Juliana Hermes

Attorney Docket No:  
305J-900310US

Client Ref: SE2000-012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ilse Bartke et al.

Application No.: 09/529,369

Filed: April 8, 1998

For: NGF FOR THE PREVENTION OF  
DEMYELINATION IN THE NERVOUS  
SYSTEM

Examiner: Jon P. Wener

Art Unit: 1651

RESPONSE TO RESTRICTION  
REQUIREMENT

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please reconsider the Restriction Requirement mailed August 13, 2001 in light of the remarks below.

The following documents are submitted herewith:

- 1) Petition for Extension of Time;
- 2) A transmittal sheet
- 3) A receipt indication postcard.

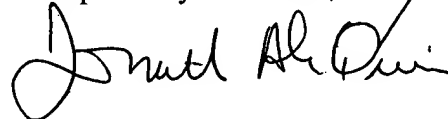
RESPONSE TO RESTRICTION

In response to the Restriction Requirement of **August 13, 2001**, Applicants elect the claims of Group II, claims 7-11 and 16, with traverse.

Applicants note that this application is a 371 national stage application of PCT/EP98/02029. Accordingly, the standards for restriction are those of "unity of invention" pursuant to PCT practice (MPEP at 1850). The Action correctly suggests that unity of invention applies, but then incorrectly supposes that the technical feature for unity is simply NGF. This is not correct. The relevant technical feature in the pending claims is the treatment of diseases in which demyelination of nerve fibers occurs, with NGF and related compounds. Accordingly, the restriction is premised upon an incorrect reading of the technical features of the claims.

Applicants further note that the claims of the international application were examined together, supporting the fact that unity of invention is found in the claims. Moreover, given that the claims were co-examined without any undue difficulty on the part of the international office, the provisions of MPEP § 803 (B) apply, i.e., because it has already been demonstrated that there is no undue burden for examination, the claims should be examined together.

Respectfully submitted,



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Reg. No. 41.261

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